

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Miriam Lynch	Team: Squad #11	CCRB Case #: 201810099	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 11/30/2018 10:30 AM	Location of Incident: [REDACTED]	Precinct: 120	18 Mo. SOL 5/30/2020	EO SOL 1/14/2021	
Date/Time CV Reported Wed, 12/05/2018 11:36 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 12/05/2018 11:36 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM William Kulik	23965	928600	S.I. CT
2. POM Vincent Palmer	13556	939511	S.I. CT

Officer(s)	Allegation	Investigator Recommendation
A.POM William Kulik	Off. Language: At Stuyvesant Place and Nick Laporte Place on Staten Island, Police Officer William Kulik made remarks to § 87(2)(b) based upon his perceived sexual orientation.	[REDACTED]
B.POM William Kulik	Discourtesy: At Stuyvesant Place and Nick Laporte Place on Staten Island, Police Officer William Kulik spoke discourteously to § 87(2)(b)	[REDACTED]
C.POM William Kulik	Discourtesy: At Stuyvesant Place and Nick Laporte Place on Staten Island, Police Officer William Kulik spoke discourteously to § 87(2)(b)	[REDACTED]
D.POM William Kulik	Off. Language: At Stuyvesant Place and Nick Laporte Place on Staten Island, Police Officer William Kulik made remarks to § 87(2)(b) based upon her gender.	[REDACTED]
E.POM Vincent Palmer	Abuse: At 26 Central Avenue on Staten Island, Police Officer Vincent Palmer refused to provide his name to § 87(2)(b)	[REDACTED]
F.POM Vincent Palmer	Abuse: At 26 Central Avenue on Staten Island, Police Officer Vincent Palmer refused to provide his shield number to § 87(2)(b)	[REDACTED]

Case Summary

On December 5, 2018, § 87(2)(b) filed this complaint with the CCRB via the on-line website.

On November 30, 2018, at approximately 10:20 a.m. § 87(2)(b) was walking with his girlfriend § 87(2)(b) at Nick LaPorte Place and Stuyvesant Place on Staten Island. § 87(2)(b) crossed Stuyvesant Place ahead of § 87(2)(b) in front of a van driven by PO William Kulik, and with PO Vincent Palmer as a passenger. § 87(2)(b) and PO Kulik each indicated for the other to pass. PO Kulik then decided to stop § 87(2)(b). After he did so, he allegedly called § 87(2)(b) a “faggot,” a “fucking faggot” (**Allegation A: Offensive Language- Sexual Orientation- § 87(2)(g); Allegation B: Discourtesy- Word- § 87(2)(g)**). He allegedly stated to § 87(2)(b) about § 87(2)(b) “Fuck you,” “Fuck you and your bitch,” and “You should have fucking let us go first” (**under Allegation B: Discourtesy- Word- § 87(2)(g); Allegation C: Discourtesy- Word- § 87(2)(g); Allegation D: Offensive Language- Gender- § 87(2)(g)**).

PO Kulik then brought § 87(2)(b) to Staten Island Criminal Court at 26 Central Avenue on Staten Island. PO Palmer allegedly refused to provide his name to § 87(2)(b) (**Allegation E: Abuse of Authority- Refusal to provide Name- § 87(2)(g); Allegation F: Abuse of Authority- Refusal to Provide Shield Number- § 87(2)(g)**).

§ 87(2)(b) took cellphone footage during this incident. The video captures only § 87(2)(b) being handcuffed, and does not capture of the allegations. The video appears in IA #39. § 87(2)(b) provided a second copy of this video, which appears in IA #66.

Findings and Recommendations

Allegation (A) Offensive Language: At Stuyvesant Place and Nick Laporte Place on Staten Island, Police Officer William Kulik made remarks to § 87(2)(b) based upon his perceived sexual orientation.

Whether PO Kulik made remarks to § 87(2)(b) based upon his perceived sexual orientation is in dispute.

Per § 87(2)(b)'s account, § 87(2)(b) and § 87(2)(b) were walking along the side of Stuyvesant Place. They were not on the sidewalk, but in the street. The prisoner van, driven by PO Kulik, stopped at the crosswalk. § 87(2)(b) stated that he waved PO Kulik's van past, and PO Kulik gestured at him to cross the street. When § 87(2)(b) did not cross the street, PO Kulik got out of his van. He said “faggot” under his breath, and then handcuffed § 87(2)(b).

§ 87(2)(b) stated that when PO Kulik stopped the van, he shouted at a loud volume that § 87(2)(b) was a “fucking faggot,” to which § 87(2)(b) called PO Kulik a “faggot.”

PO Kulik denied that he called anyone a “faggot” or made any remarks on the basis of sexual orientation. He said instead that § 87(2)(b) called him a “faggot.” PO Palmer also stated that § 87(2)(b) and not PO Kulik, used the word “faggot” during the interaction.

Though § 87(2)(b) and § 87(2)(b) both stated that PO Kulik called § 87(2)(b) a “faggot,” their statements diverged. § 87(2)(b) stated that he did so quietly, under his breath. § 87(2)(b) stated that he called § 87(2)(b) a “faggot” at a loud volume. Their statements aligned only in that they both stated that PO Kulik called § 87(2)(b) a “faggot.”

§ 87(2)(g)

Allegation (B) Discourtesy: At Stuyvesant Place and Nick Laporte Place on Staten Island, Police Officer William Kulik spoke discourteously to § 87(2)(b)

Allegation (C) Discourtesy: At Stuyvesant Place and Nick Laporte Place on Staten Island, Police Officer William Kulik spoke discourteously to § 87(2)(b)

Allegation (D) Offensive Language: At Stuyvesant Place and Nick Laporte Place on Staten Island, Police Officer William Kulik made remarks to § 87(2)(b) based upon her gender.

Whether PO Kulik spoke discourteously to § 87(2)(b) and § 87(2)(b) and made remarks to them based on gender and sexual orientation is in dispute.

§ 87(2)(b) stated that while he was being handcuffed, he said “Fuck you” to PO Kulik, but did not use any other profanity. He did not initially volunteer that PO Kulik used any other profanity.

§ 87(2)(b) stated that when PO Kulik stopped the van, he got out and said, “you should have fucking stopped,” and shouted that § 87(2)(b) was a “fucking faggot.” § 87(2)(b) then called PO Kulik a “faggot” in return, to which PO Kulik responded, “Fuck you” to § 87(2)(b). She also stated that PO Kulik said § 87(2)(b) “Fuck you and your bitch,” in reference to § 87(2)(b).

During a follow-up phone statement, § 87(2)(b) said that he did not ever hear an officer call § 87(2)(b) a “bitch,” and denied that he heard PO Kulik say “You should have let us fucking go first,” “Fuck you and your bitch,” or that he made any statement that included the word “fuck” (Board Review 02).

PO Kulik denied using any profanity against § 87(2)(b) and he denied calling anyone present a “bitch.” He stated that when he tried to tell § 87(2)(b) to cross the street, § 87(2)(b) called him a “faggot,” grabbed his crotch in PO Kulik’s direction, and spit towards the police vehicle.

PO Palmer also denied that PO Kulik used profanity against § 87(2)(b) or called anyone on scene a “bitch.”

§ 87(2)(b)’s allegations of discourtesy and offensive language, that PO Kulik stated, “Fuck you and your bitch,” “Fuck you,” and that § 87(2)(b) should have “fucking” let him pass were not corroborated by § 87(2)(b) or the officers.

§ 87(2)(g)

Allegation (E) Abuse of Authority: At 26 Central Avenue on Staten Island, Police Officer Vincent Palmer refused to provide his name to § 87(2)(b)

Allegation (F) Abuse of Authority: At 26 Central Avenue on Staten Island, Police Officer Vincent Palmer refused to provide his shield number to § 87(2)(b)

It is undisputed that § 87(2)(b) requested PO Palmer's name and shield number while he was inside of 26 Central Avenue. Whether PO Palmer sufficiently provided his shield number to § 87(2)(b) is in dispute.

§ 87(2)(b) stated that he requested PO Palmer's name and shield number, and PO Palmer said that his name was "P." He showed him his shield and nameplate for several seconds, and said that § 87(2)(b) was only entitled to see it for several seconds.

PO Palmer stated that when § 87(2)(b) requested PO Palmer's name and shield number, he pulled aside his windbreaker to show his name and shield number to § 87(2)(b) and heard § 87(2)(b) saying PO Palmer's name out loud, and the digits of his shield number under his breath.

PO Kulik did not recall any conversation between § 87(2)(b) and PO Palmer.

By PO Palmer's account, he provided § 87(2)(b) with his shield number and name in a manner that allowed § 87(2)(b) to comprehend his shield number, which § 87(2)(b) disputes in his account of what occurred.

Patrol Guide Procedure 203-09 requires that officers provide their name and shield number to anyone who requests it, and that they allow the asker ample time to note it (Board Review 03).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) (Board Review 04).
- This is the first CCRB complaint involving § 87(2)(b) (Board Review 05).
- PO Kulik has been a member of service for 17 years. Three CCRB complaints, with 10 allegations, have been filed against him. None has been substantiated.
 - § 87(2)(g)
- PO Palmer has been a member of service for 13 years. One CCRB complaint, with 3 allegations, have been filed against him. None has been substantiated.

○ § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On February 12, 2019, the New York City Office of the Comptroller confirmed that there was no Notice of Claim filed in regards to this case (Board Review 06).
- According to the Office of Court Administration, § 87(2)(b) does not have any convictions in New York City (Board Review 07).
- According to the Office of Court Administration, § 87(2)(b) does not have any convictions in New York City. The summons he was issued was dismissed (Board Review 01, 4, Board Review 08).

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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